Papers Circulated.

The following papers, having been previously circulated among the members, were taken as read :—

1. Memo of further amendments to the Registration Bill sent in by Mr. Krishnaswamy Rao.

2. Petition from the Editor of the 'Malankara Edavaga Patrika' commenting on the amendment *re* optional registration of endorsements on mortgage-deeds.

3. Amendment to the Civil Procedure Code Amendment Bill sent in by Mr. Krishnaswamy Rao.

A Malayalam petition from Raman Narayanan of Vaikam containing suggestions on the Registration Bill, having been received too late for circulation in time, was read out at the Council.

CIVIL PROCEDURE CODE AMENDMENT BILL.

Mr. Krishnaswamy Rao proposed :—" substitute the words ' any Native State under the suzerainty of Her Majesty the Queen Empress of India ' for ' any foreign State ' in sections VIII, IX and X. "

Mr. Thanu Pillay seconded the motion.

Carried.

Mr. Krishnaswamy Rao moved that the Bill as amended be passed.

Mr. Muthunayagom Pillay seconded the motion.

The Bill was accordingly passed by the Council.

REGISTRATION BILL.

With reference to the amendment proposed by Mr. Krishnaswamy Rao at the last meeting, regarding the optional registration of ' endorsements on mortgage-deeds acknowledging the payment of the whole or any part of the mortgage money and any other receipt for payment of money due under a mortgage, when the receipt does not purport to extinguish the mortgage,' Mr. Thanu Pillay said :—

" I beg to oppose the amendment.

" The chief object of registration is, in the words of Sir Arthur Hobhouse, 'to give certainty to titles and to prevent the operation of fraudulent and secret transactions by which a man's right in the property which he has acquired may be defeated.' The history of legislation on this subject in British India shows a steady, if gradual, extension of the system of registration to all important transactions relating to property, and, if the system is not co-extensive with all transactions, it is due, not to any difference of opinion as to its usefulness, but to the practical difficulty of attaining the object fully. In the course of the discussion on the Registration Amendment Bill which afterwards became Act III of 1877, the Honorable Mr. Bayley observed that he 'did not think anybody would dispute that it was very desirable, if it were possible, that every written instrument which passed in any shape should be registered.....The real difficulty was that practically a perfect system of registration would be impossible, at least for very many years to come.' I have quoted these remarks to show that the classification of instruments into compulsory and optional for purposes of registration is not based upon any transcendental or immutable principle, but merely upon considerations of practical convenience. In British India, as we all know, instruments affecting immovable property in which the value of the interest affected is less than 100 Rs. are not compulsorily registrable, whereas, in the Bill before us, all such instruments are brought within the compulsory group. From the figures given in the last Administration Report it appears that 60 per cent of the instruments relating to immovable property presented for registration in 1069 were of value not exceeding 100 Rs. The same will, I believe, more or less be the proportion of such instruments in British India. Why is so large a proportion of instruments excluded from the compulsory class there? Because, I take it, of the practical inconvenience, on administrative, financial and possibly other grounds, of providing the requisite machinery for doing the work without entailing undue hardship on the people. In British India, the average area to a Registry office is 307 square miles against 160 square miles in this country.

LIBRARY ARCHIVES Kerala Legislative Assembly